IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO. 3266 OF 1998

Ashok Ramvilas Chavan ... Applicant

Vs.

The State of Maharashtra ... Respondents

None for the Petitioner.

Mr. D.S. Mhaispurkar, A.G.P. for State.

Mr. H.V. Mehta for Union.

CORAM : F.I. REBELLO,J.
DATED : DECEMBER 03, 2004

P.C .

. Original Application was before this court pursuant to directions of the Apex Court on grievances of an under trial prisoner that he has not being produced in courts as an under trial when his matter was fixed and consequently the trial was being delayed. In the course of the hearing various orders came to be passed where it was noted that under trial prisoners are not being produced before the courts as the police escort is not available. By order of 23.2.1999, this court noted that any delay on account of non production of the undertrial would be violative of Article 21. Various directions came to be passed. Pursuant to directions, affidavits came to be filed. A further order came to be passed on 6.4.1999 as to the steps

taken by the State Government to produce under trials on time before the courts. Various suggestions came to be made. State was called upon to furnish additional material. In the meantime, the court in a suo moto exercise issued directions to get the figures of various undertrials in various prisons in the state who had not been produced on account of inability to provide police escort. By further order of 23.9.1999 various further directions came to be made including in respect of the posts sanctioned for producing the under trials. It is not necessary to reiterate the said directions once again. In the meantime as there was non compliance with the directions for production of undertrials, by order dated 16.12.2000 an order came to be passed to direct payment of compensation for under trial prisoners, if they were not produced before the courts except on account of sickness of the undertrial prisoner. Thereafter as a request was made on behalf of State Government not to give effect to the order, an order came to be passed to that effect. On 8.3.2003, suggestion was first made for providing video-conference. The matter thereafter was adjourned on various occasions as it required amendment to Section 167 of Code of Criminal Procedure. It is not necessary to advert to the orders, suffice it to say that the Government of Maharashtra has now issued an ordinance being

Maharashtra Ordinance No. 34 of 2004 amending the provisions of Section 167 of the Code of Criminal Procedure providing for Video-conferency in cases of accused persons other than in police custody.

. Considering the above and as another petition is now pending before the First Court, it is not necessary to further proceed with the matter. As the Ordinance has been passed, it would be in the fitness of things to recall the order dated 16.12.2000 directing payment of compensation to prisoners. All other orders to be complied with except those pertaining to payment of compensation. With the above directions, application stands disposed of.

(F.I. REBELLO,J.)